



COMMISSION MEETING MINUTES

Indiana Fire Prevention and
Building Safety Commission
Government Center South
302 W. Washington Street
Indianapolis, Indiana 46204
Conference Center Room B

July 6, 2017

Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's regular monthly meeting was opened by Chairman Hawkins at 9:00 a.m. on July 6, 2017.

(a) Commissioners present at the Commission meeting:

Ron Brown
Greg Furnish
Kevin Goeden, representing the Commissioner, Department of Labor
John Hawkins, Chairman
Todd Hite, representing the Commissioner, Department of Health
Matt Mitchell, Vice-Chairman
Pat Richard
Jessica Scheurich
Craig Von Deylen

(b) Commissioners not present at the Commission meeting:

James Hoch
James Jordan

(c) The following departmental and support staff were present during the meeting:

Legal and Code Services

Craig Burgess, State Building Commissioner
Denise Fitzpatrick, Code Specialist
Beth Sutor, Secretary for the Commission
James Schmidt, Deputy Attorney General

2. Old Business

Chairman Hawkins stated, because the minutes for the June 6, 2017 meeting had not been posted on the web page properly, they would not be brought up for approval at this time.

3. Discussion and Possible Commission Action on Electronic Communication Policy for Commission Meetings

A copy of an electronic communication policy had been provided for the members of the commission to review. Commissioner Brown had suggested a change in Item III. Policy B with the addition of “means” to the end of the phrase beginning with “A member of the Commission who participates in the meeting by a permitted electronic communication”. A discussion of what constitutes “attendance” electronically was held, and included the length of time an electronic participant would spend to qualify as having attended the meeting as opposed to being in physical attendance, and the possible abuse of attending electronically only. Commissioner Von Deylen moved to revise III. Policy C. Quorum change IC 16-31-2 to IC 22-12-2-6, and to add the word “means” in Item III Policy B. between the word “communication” and the word “shall”. Commissioner Richard made the second. It was voted upon and carried. Commissioner Von Deylen then moved to approve the amended policy with the amendment that the annual physical attendance requirement in III Policy F, Item 1. General Requirements and Limitations be changed from 50% to 66% of the meetings. Commissioner Mitchell made the second. It was voted upon and carried.

4. Third Party Approval

RADCO
3220 E. 59th Street
Long Beach, CA 90805

Kevin Whitesel, Fire and Building Code Enforcement, introduced the RADCO application to the Commission, and recommended approval as a third party inspector. Commissioner Brown moved to approve, with the second by Commissioner Furnish. It was voted upon and carried.

5. Boiler and Pressure Vessel Emergency Rule Approval

No copy of the rule had been provided for the Commission. Justin Guedel, staff attorney, offered to get a copy for the Commission to read before voting. Commissioner Richard moved to table until later in the meeting to allow the paperwork to be provided. Commissioner Scheurich made the second. It was voted upon and carried with two nay.

6. Variances

Tabled

17-03-08(a)(b) Crossing Educational Center, Goshen
17-03-09 Berne Crossing, Berne

A request to table had been received by the Commission. Commissioner Von Deylen moved to table 17-03-08 and 17-03-09, with the second by Commissioner Furnish. It was voted upon and carried.

17-04-40(a)(b) 2014 IFC 675 IAC 22-2.5 Sec. 1008.1.9.9 – Evansville Day School, Evansville

No proponent was available for questions. Commissioner Von Deylen moved to table, with the second by Commissioner Scheurich. It was voted upon and carried.

17-05-05(a)(b)(c) Rabbit Ridge School, Hagerstown

The application was incomplete and ineligible to be heard. Commissioner Von Deylen moved to table, with the second by Commissioner Scheurich. It was voted upon and carried.

17-05-08 Student & Faculty Residence, LaPorte

No proponent was available for questions. Commissioner Scheurich moved to table, with the second by Commissioner Richard. It was voted upon and carried.

17-05-09 Temporary Building, Huntingburg

No proponent was available for questions. Commissioner Scheurich moved to table, with the second by Commissioner Brown. It was voted upon and carried.

17-05-13(a)(b) Day Early Learning, Indianapolis

Kahlil Mwaafrika, Director, spoke as proponent. The application had been tabled last month to allow time for missing signatures and corrections on the application to be provided. Jeff Dean, City of Indianapolis, also addressed the Commission, noting that the application did not show which year of the code was involved. The proponent did not have the signed application in his file as he thought, but offered to return to his office to retrieve the paperwork. Commissioner Von Deylen moved to table until after lunch, with the second by Commissioner Scheurich. It was voted upon and carried.

17-06-03 McClure Oil Corporation #43, Indianapolis

The application was incomplete and ineligible to be heard. Commissioner Von Deylen moved to table, with the second by Commissioner Richard. It was voted upon and carried.

17-06-27 St. Luke United Methodist Church, Indianapolis

Kelly Scott, St. Luke United Methodist Church, spoke as proponent. The request was to allow two tents to be on the property for longer than the 30 days allowed by code. They were to be used for their summer programs which run from June 12 to August 29, 2017. Commissioner Brown moved to approve with the condition that the variance was valid until August 30, 2017. The second was made by Commissioner Furnish. It was voted upon and carried.

17-06-67 Primrose House, Lawrenceburg

Marie Dausch, New Horizons Rehabilitation, Inc., spoke as proponent. Her request was to omit sprinklers since the residents would be living in a structure built as a single family home and is not required to be sprinklered. She had been asked to get a quote for a 13D sprinkler system, and returned with a quote provided by Quality Fire Protection of Lawrenceburg for a 13R system. There will be three disabled adults with a shift caregiver on duty in the home, complying with guidelines of the Indiana Medicaid Waiver. Code allows care facilities for five or fewer persons in a single family dwelling to comply with the Residential Code if it is sprinklered throughout with an NFPA 13D system. It was noted that the proponent had not provided proof of no adverse effect to the public welfare or financial hardship, only that she said she didn't want to pay for the sprinkler system. Commissioner Brown noted there was likely an insurance benefit to installing the sprinkler system. Commissioner Von Deylen stated that the people living in this house wouldn't know it was non-compliant. They wouldn't have the capacity to know, that was the Commission's job. He then moved to deny, with the second by Commissioner Brown. It was voted upon and carried.

Incomplete

17400 Speedway Indoor Karting, Speedway
17447 LifeWay Apostolic Church, Avon
17484(a)(b)(c)(d) Parkview Cancer Institute, Ft. Wayne

Commissioner Von Deylen moved to table, with the second by Commissioner Scheurich. It was voted upon and carried.

New

A/B

Chairman Hawkins asked for any variances in the A/B category which were to be called out for individual consideration. Commissioner Brown asked for 17-07-17(a)(b)(c)(d) Orchard View School, Topeka, and 17-07-18(a)(b)(c)(d) Farm View School, Topeka to be called out for a separate vote, and 17-07-60 Madison Village Apartments Remodel, Indianapolis, for discussion. Commissioner Richard stated he would abstain from voting on 17-07-25 Land Quest Real Estate, Lafayette. Commissioner Mitchell stated he would abstain from voting on 17-07-20 Boys and Girls Club of Noblesville, Noblesville. Commissioner Von Deylen then moved to approve those "A" and "B" variances eligible for the block vote. Commissioner Scheurich made the second. It was voted upon and carried.

The following variances were approved as submitted:

17-07-01(a)(b)(c)(d) Indiana State University CHHS Building, Terre Haute

17-07-02(a)(b)(c) ISU Rhodes Hall Renovations, Terre Haute
 17-07-03 Innovative Castings Technologies Addition, Franklin
 17-07-04(a)(b) Community East Hospital, Indianapolis
 17-07-05 Patterson Pointe, Bloomington
 17-07-06 Evergreen Village, Bloomington
 17-07-07 933 Walnut, Bloomington
 17-07-08(a)(b) Deaconess Gateway Hospital, Newburgh
 17-07-09(a)(b)(c)(d) Building K302 3rd Floor Fit-Out, Indianapolis
 17-07-10(a)(b)(c) North Dining Hall Remodeling, Notre Dame
 17-07-11(a)(b)(c)(d) Annex on 10th, Indianapolis
 17-07-12(a)(b)(c) Brownsburg Ambulatory Care Center, Brownsburg
 17-07-13(a)(b)(c)(d) The Park at Pulliam Square, Indianapolis
 17-07-14(a)(b)(c)(d) Home 2 Suites Hotel, Lafayette
 17-07-15(a)(b)(c)(d) FSAH Michigan City Replacement Hospital, Michigan City
 17-07-16 Midtown Crossing, Ft. Wayne
 17-07-19 Singing Winds Visitors Center T.C. Steele Historic Site, Nashville
 17-07-20 Boys and Girls Club of Noblesville, Noblesville
 17-07-21(a)(b) OrthoIndy Foundation YMCA, Indianapolis
 17-07-22 Huntington University Greenhouse Addition Science Hall, Huntington
 17-07-23 Roncalli High School Main Gym Expansion, Indianapolis
 17-07-24 ASC Improvement for NANI-Merrillville, Merrillville
 17-07-25 Land Quest Real Estate, Lafayette
 17-07-45(a)(b)(c)(d)(e) The Line Urban Flats, Indianapolis
 17-07-47 Kroger Store 396 New Albany, New Albany
 17-07-48 Victory Field Suite Renovations, Indianapolis
 17-07-50 Orange Leaf, Greenwood
 17-07-51(a)(b) Parkview Wabash Medical Office Building, Wabash
 17-07-53 Onyx + East at Herron Morton, Indianapolis
 17-07-54(a)(b) Kappa Alpha Theta House Purdue, West Lafayette
 17-07-55 Liberty Lofts, Muncie
 17-07-56 St. Joan of Arc Church Restoration Phase 1, Indianapolis
 17-07-58 Cityside South Building, Bloomington

Commissioner Von Deylen then moved to approve 17-07-17 and 17-07-18, with the second by Commissioner Scheurich. It was voted upon and carried with a nay vote by Commissioner Brown.

07-07-26 Playground Door, Bloomington

Jason Muehlbauer, Director, Little Star Center, spoke as proponent. The request is to allow an existing exterior door that leads to the playground to be reversed to swing inward. The door opens into an enclosed, locked playground, and the reversed swing would allow better accessibility for those needing assistance. There are 3 other exit doors from the sprinklered building. The exit sign will be changed. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Scheurich. It was voted upon and carried.

Breaking and reconvening: Chairman Hawkins recessed the Commission at 10:02 a.m. It was called back to order at 10:14 a.m

Boiler and Pressure Vessel Emergency Rule Approval, cont.

A copy of the document approved by the Boiler and Pressure Vessel Board had been provided to the members of the Commission. Justin Guedel, staff attorney, stated it was almost a re-adoption except for Items B 1, 3, 4 have been amended to the 2017 Standards. Otherwise everything remained the same. Commissioner Scheurich moved to un-table the Boiler and Pressure Vessel Emergency Rule Approval, with the second by Commissioner Von Deylen. It was voted upon and carried. Following discussion, Commissioner Brown moved to approve, with the second by Commissioner Mitchell. It was voted upon and carried.

17-07-27 Omkaar Temple, Ft. Wayne

Ed Rensink, RTM Consultants, spoke as proponent. An 11,580 square foot Hindu Temple with a calculated occupant load of 1,000 persons, would like to omit the sprinkler system required by code. The worship room is a large, open area with shrines placed around the perimeter. The mechanical, electrical and coat rooms are the only enclosed rooms, and the travel distance to an exit is 116 feet. Following discussion, Commissioner Von Deylen moved to approve with the condition that occupancy be posted at no more than 200 persons and all exit signs are to be clearly visible. Commissioner Richard made the second. It was voted upon and carried.

17-07-28(a)(b) Ascent Apartments, Plainfield

No proponent was available for questions. Commissioner Scheurich moved to table, with the second by Commissioner Von Deylen. It was voted upon and carried.

17-07-29 Hidden Brook Acres, Shelbyville

Crystal Kent, Kent Architecture & Consulting, spoke as proponent. Also presenting was Jeff Kuhn, owner. The request was to allow the use of Chapter 34 to convert a barn to an event facility. The barn has undergone a structural evaluation by a professional engineer, and was declared able to support all applicable loads. Because the building is in a rural setting, a sprinkler system will not be provided since the well will not support it. A smoke detection system is being added and the existing emergency lighting will be augmented. The unused hayloft will remain unused, and panic hardware will be installed on exits. The occupancy of the single-story facility, using 15 square feet per occupant, was calculated to be 167 persons. Restrooms are located within a nearby building which also provides changing rooms for bridal parties. Following discussion, Commissioner Von Deylen moved to approve with the condition that there is no use of the hayloft, all electrical and lighting will comply with the Indiana Electrical Code. Commissioner Richard made the second. It was voted upon and carried with one nay by Commissioner Brown.

17-07-30 West Lafayette Apostolic Church, West Lafayette

Ed Rensink, RTM Consultants, spoke as proponent. The installation of the fire pump and testing of the system will be delayed due to issues which developed with the order and delivery. It is expected to arrive

in late August, and the request is to allow use of the facility and addition for the two months before installation. Following discussion, Commissioner Furnish moved to approve with the condition that the variance be valid until September 15, 2017. Commissioner Brown made the second. It was voted upon and carried.

17-07-31 Cumberland Elementary School Additions and Renovations, West Lafayette

Ed Rensink, RTM Consultants, spoke as proponent. The request was to allow the Phase 1 and Phase 2 portions of the building to be occupied before the sprinkler system is completed throughout the building during the construction of Phase 3 and 4. The project begins in September 2017 and will be completed July 2019, and the building will then be fully sprinklered at completion. Following discussion, Commissioner Brown moved to approve until July 31, 2019 with appropriate exiting being established during construction, with the second by Commissioner Scheurich. It was voted upon and carried. Commissioner Richard abstained.

17-07-32 The Wilds Event Center, Bloomington

Melissa Tupper, RTM Consultants, spoke as proponent. Also presenting was Alison Faulkner, owner. The request was to omit a sprinkler system for the Type VB construction, 1-story event hall with a calculated occupant load which exceeds 100. The building is a single story, slab on grade facility in a rural setting. A smoke detection system will be provided and tied to a fire alarm system which also will be provided. A shunt will turn off the sound system when the alarms are activated, and there is a maximum travel distance of 60 feet. A letter of support was presented from the local fire department which also noted the owner had agreed to provide a dry hydrant along the drive. Following discussion, Commissioner Von Deylen moved to approve with the condition that a dry hydrant be provided as per the fire official's letter. Commissioner Richard made the second. It was voted upon and carried with one nay by Commissioner Brown.

17-07-33(a)(b) Grace Church North Indy, Indianapolis

Melissa Tupper, RTM Consultants, spoke as proponent. The church had purchased the building a few years prior and had been using it as office space. They now need two rooms of the second floor of the 3-story structure beginning in August to be used as space for their youth ministries and other assembly functions, and request a change of use in variance (b) with a fire watch. Both the first and second floors have an exit to grade due to a slope on the site. A fire watch will be posted until the smoke detection on the first floor and corridors on the second and the fire alarm system are installed. Jeff Dean, City of Indianapolis, asked what type of fire alarm system is being installed. The proponent noted that the code site was incorrect on the application being projected. Both should have read 12-4-11(b) from the GAR. Variance (a) was to allow the use of the two rooms without having to comply with the requirements of new construction until the smoke detection and NFPA 72 fire alarms are installed. Commissioner Von Deylen moved to approve providing the fire alarm and smoke detection system is in compliance with NFPA 72. Commissioner Mitchell made the second. It was voted upon and carried with a nay by Commissioner Brown. The vote for variance (b) was then discussed. Commissioner Von Deylen moved to approve with the condition that it was valid until January 31, 2018. Commissioner Mitchell made the second. It was voted upon and carried. Denise Fitzpatrick stated she would IT change the code site on the (b) variance to read 12-4-11(b) as the proponent had intended so that the letter would be correct.

17-07-34(a)(b) Oakley Brothers Distillery & C.T. Doxey Brewery, Anderson

Ed Rensink, RTM Consultants, spoke as proponent. Also present were Lisa and Jared Oakley. An existing building in downtown Anderson is being renovated. A small seating area is being designated for the distillery area, as well as a small seating area for the brewery. The request in variance (a) was to allow a posted occupant load for the distillery seating area and the brewery seating area to be set at 49 each, instead of the calculated occupant load of 75 for the distillery and 51 for the brewery. The second floor is to be used for storage of finished product, as exempted by Chapter 50 of the Fire Code if stored in barrels. Commissioner Von Deylen asked if the north door in the distillery area could have the swing reversed. The owners stated it opened into the sidewalk on a main street. Commissioner Von Deylen noted better out than in, and the proponent stated that they'd make it work. When asked about tours, it was decided that they would be limited in size. Commissioner Von Deylen moved to approve (a) as submitted provided the egress doors in both spaces are reversed to the direction of travel and panic hardware is provided. Tours are to be limited to the first floor only and limited to twelve people at a time, and the seating plan is to reflect an occupant load of 49. Commissioner Richard made the second. It was voted upon and carried with two nay. In variance (b), Commissioner Jordan had expressed some concern about the need for a structural engineer to review the residential area being converted to the brewery. The owners explained that the area was on a slab, and the city had the building evaluated prior to sale. They would, however, have the evaluation redone for the Commission. Commissioner Von Deylen moved to table (b) until they had received the structural report stating the second floor of the building is adequate for the intended use. Commissioner Richard made the second. It was voted upon and carried.

17-07-35(a)(b) Fishers Department of Public Works Facility, Fishers

Ed Rensink, RTM Consultants, requested the application be tabled. Commissioner Von Deylen moved to table with the second by Commissioner Richard. It was voted upon and carried.

17-07-36 Klipsch Music Center Catering Patio Temporary Tent, Noblesville

Ed Rensink, RTM Consultants, spoke as proponent. The request was to allow the use of a 20'x40' tent on the catering patio from May to October during concerts. The tents will comply with NFPA 701 as required, prohibit cooking under or within the tents, meet or exceed minimum width requirements for exit openings, allow no smoking or open flame, and provide portable fire extinguishers. Commissioner Brown moved to approve with the condition that the variance was valid until November 1, 2017. Commissioner Furnish made the second. It was voted upon and carried. Commissioner Mitchell abstained.

17-07-37(a)(b) Chapel Hill United Methodist Church, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. Variance (a) had been eligible for inclusion in the block vote. Commissioner Von Deylen moved to approve, with the second by Commissioner Scheurich. It was voted upon and carried. Variance (b) was to omit the sprinkler system. The calculated occupant load will be reduced with the conversion of an existing classroom to a toilet room on the first floor. A 2-hour fire barrier will be provided to separate the 1964 building and additions from the rest of the facility. Both the first floor and basement exit directly to the exterior. Following discussion, Commissioner Von Deylen

moved to approve, with the second by Commissioner Mitchell. It was voted upon and carried with one nay by Commissioner Brown.

17-07-38(a)(b) Kosciusko County Head Start, Warsaw

Lynette Hawn, Kosciusko County Head Start, spoke as proponent, along with Ronald McFadden. A Type 1 hood had been converted to a Type 2 hood. The request is to allow the piping to remain without the nozzles. There is no frying in the kitchen which has only a convection oven and convection steamer. This is a licensed childcare facility. Noting that it would be wiser to remove the system, Commissioner Brown moved to approve with the condition that the kitchen is to be non-frying with a convection oven and convection steamer only, with the second by Commissioner Richard. It was voted upon and carried with one nay vote.

17-07-39 Valparaiso Inn Bed & Breakfast, Valparaiso

Ed Rensink, RTM Consultants, spoke as proponent. Also presenting was owner Jim Berman. The request was to allow the 3-story plus basement single-family residence, built in 1910, to be converted into a bed and breakfast facility which exceeds the total floor area allowed by code. The owners will live in the basement, the bed and breakfast will occupy the first and second floors, and the third floor will be unused. There are two exits from the second floor which has five guest rooms, and the basement has egress windows. Travel distance is 70 feet to an exit. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Furnish. It was voted upon and carried with one nay vote by Commissioner Brown.

17-07-40(a)(b) Eskenazi Museum of Art Renovation, Bloomington

Dennis Bradshaw, FP&C Consultants, spoke as proponent. A new café in the museum may affect the use of the terrace with overflow seating, requiring additional exits. The request is to allow a new stair and ramp system, 20' 7" wide, for an existing terrace space to serve as additional exits. The terrace is completely noncombustible construction, and the sprinklered, Type I-A construction museum does not pose an exposure hazard to the terrace occupants. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Furnish. It was voted upon and carried. Variance (b) was a request to allow a new, noncombustible bridge across the atrium space to have a non-fire rated glass floor. Code requires the bridge to be 2-hour fire resistive construction. The building is sprinklered, and fire loading of this area is extremely low. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Richard. It was voted upon and carried.

17-07-41(a)(b) Tlaolli Dining Addition, Indianapolis

Melissa Tupper, RTM Consultants, spoke as proponent. Also present was Joe Bowling, Englewood Community Development Corporation. An addition of 540 square feet is being made to an existing building of 455 square feet. The request in variance (a) is to allow a single unisex toilet room in lieu of the two single user toilet rooms required by code. The project was given a grant from the City of Indianapolis with help from a local non-profit group. The grant is less than the cost of the addition without a second toilet room, and the owner is unable to cover the extra cost. It was noted that the restaurant is in a section of the city where the restaurants and shops have a small footprint, and a single toilet room is not uncommon.

Following discussion, Commissioner Richard moved to approve with the second by Commissioner Furnish. It was voted upon and carried. Commissioner Von Deylen abstained. Commissioner Richard noted it was for both (a) and (b), and Commissioner Furnish made the second. It was voted upon and carried.

17-07-42 Assembly Mennonite Church, Goshen

Dennis Bradshaw, FP&C Consulting, spoke as proponent. The request was to allow an addition to be added to an existing, over area church of Type V-B construction with a 2-hour fire barrier to separate the addition from the new construction. The addition would be sprinklered. Following discussion, Commissioner Brown moved to approve with the second by Commissioner Scheurich. It was voted upon and carried.

Breaking and reconvening: Chairman Hawkins recessed the Commission at 11:51 a.m. It was called back to order at 1:01 p.m.

17-05-13(a)(b) Day Early Learning, Indianapolis, continued

The proponent, Kahlil Mwaafrika, had returned with the corrected applications. Commissioner Richard moved to un-table with the second by Commissioner Furnish. It was voted upon and carried. Variance (a) was to allow the center to keep the doorknobs instead of replacing the doors with levers as required in the inspection report. Levers will allow the children, ages two through five, an improved opportunity to open the door and elope before the teacher can reach the child to intervene. Following discussion, Commissioner Von Deylen moved to approve with the condition that all tape and other modifications be removed from the doorknobs. Commissioner Richard made the second. It was voted upon and carried. Variance (b) was to allow the existing blinds to remain in place until the replacement cost can be worked into the 2018 budget. Chairman Hawkins suggested the proponent also look at a spray fireproofing for fabrics called Inspecta-Shield tested and approved by the California State Fire Marshal. The blinds were not, however, made of fabric but of a vinyl/rubber material. The building is sprinklered. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Furnish. It was voted upon and carried.

17-07-43(a)(b) Cabaret at the Metzger Building, Indianapolis

Melissa Tupper, RTM Consultants, spoke as proponent. Variance (b) was presented first. The request was to allow only the space within The Cabaret to be used in the Chapter 34 evaluation, and not the entire building, since the scope of the project had changed. The Cabaret space will be sprinklered and protected with smoke detectors, and a heat detection systems will also be installed in the garage area. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Furnish. It was voted upon and carried with one nay vote. Variance (a) was a request to be allowed to install locking devices on egress doors in the hallway shared with Gallery 924, a part of the Art Council, when non-Cabaret events are taking place. The area is sprinklered. Following a lengthy discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Hite. It was voted upon and carried with a nay by Commissioner Brown.

17-07-44(a)(b)(c)(d)(e) The Residences at Notting Hill, Bloomington

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. Variances (b), (c), and (d) had been eligible for the block vote. Commissioner Von Deylen moved to approve, with the second by Commissioner

Scheurich. It was voted upon and carried. Variance (a) was a request to allow the south elevation to have more than 10% of unprotected openings, though only 5 feet from the property line. The building will be protected by an NFPA 13R system. Commissioner Brown moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried. Variance (e) was to allow the primary entrance door serving the second and third floors to swing into more than one half of the landing serving these floors. The entry functions more like a single family town home unit. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Brown. It was voted upon and carried.

17-07-46 Evansville Christian School Cullen Campus, Evansville

Roger Lehman, RLehman Consulting, spoke as proponent. The school would like to keep the glass door going into the gym and walking track, but fire-rated glass is too expensive for their project. The request was to allow the use of 90 minute rated glass with metal frames painted with a 60 ml-thick layer of intumescent paint in lieu of the required 2-hour rated glass in the 2-hour fire barrier. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Richard. It was voted upon and carried.

17-07-49(a)(b)(c)(d)(e)(f)(g)(h)(i)(j)(k) The Mill at Ironworks Plaza, Mishawaka

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. Variance (a)(b)(d)(e)(f)(g)(h)(i)(j) had all been eligible for the block vote. Commissioner Von Deylen moved to approve, with the second by Commissioner Scheurich. It was voted upon and carried. Variance (c) was to allow the bathroom exhaust and dryer vents in the 4-story building to not be 3 feet from operable openings into buildings. The building is protected with an NFPA 13 system. Following discussion, Commissioner Von Deylen moved to approve with the second by Commissioner Hite. It was voted upon and carried. Variance (k) was to allow two exit stairs to discharge to the outside at street level without an enclosed stair. The garage will be sprinklered with an NFPA 13 system, and travel distance is 40 feet directly to the exterior. Floors three, four and five have horizontal exits into the apartments as well. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Scheurich. It was voted upon and carried.

17-07-52(a)(b)(c)(d)(e)(f)(g)(h) Regenstrief Institute Inc. Headquarters, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. Variances (a), (b), and (c) were eligible for the block vote. Commissioner Von Deylen moved to approve these variances, with the second by Commissioner Scheurich. It was voted upon and carried. The owners were initially told the project would be exempt from local review because it was state property. It was later determined that they were not exempt from the review. Kate Worpel, City of Indianapolis, briefly spoke to the history of the inspection issues. Variance (d) was to allow the employee locker room transfer showers to not comply with the required 36 inch width. The 48 inch clear floor space is also measured from the seat wall instead of the control wall. The showers had been changed from prefab units to stick-built units. The proponent stated the cost of demolition and reconstruction to comply was a hardship. Following discussion, Commissioner Von Deylen moved to deny, with the second by Commissioner Richard. It was voted upon and carried. Variance (e) was a request to allow the horizontal grab bars in the toilet rooms to extend 48 inches from the back wall instead of the compliant 54 inches. The proponent stated the cost to correct this as-built condition was a hardship. Commissioner Richard moved to deny, with the second by Commissioner Von Deylen. It was voted upon

and carried. Variance (f) was a request to allow the electronic room scheduling devices to remain as installed. The bottom of the schedulers is measured at 48", while the top should be at 48" to comply with the reach requirements for accessibility. Chris Harris, City of Indianapolis, explained the schedulers were cited while the braille signage above it complied with code. The devices are operable by cell phone as well as manually per the proponent. Following discussion, Commissioner Scheurich moved to approve with the condition that a secondary means of operation of the scheduling device was available. Commissioner Von Deylen made the second. It was voted upon and carried. Variance (g) was a request to omit the cane rail on all but the first floor in the hallways housing the Branding are installations. Code requires a cane rail if objects with leading edges more than 27 and less than 80 inches above the floor to protrude no more than 4 inches horizontally into the circulation path. They were considered a trip-hazards. Following discussion, Commissioner Von Deylen moved to deny, with the second by Commissioner Richard. It was voted upon and carried. Variance (h) was a request to allow the urinal screens to remain installed at 18 inches in lieu of the code-compliant 12 inches. Following discussion, Commissioner Von Deylen moved to deny, with the second by Commissioner Hite. It was voted upon and carried.

Chairman Hawkins noted that 17-07-57, 17-07-59, 17-07-61 and 17-07-63 did not have staff reports due to a "melt-down" in the system which did not give Denise time to write them, and asked the members of the Commission what they would like to do. Commissioner Von Deylen stated he would like to table 17-07-57, 17-07-59, 17-07-61, and 17-07-63 for lack of a staff report. He thought it inappropriate for them to move forward with cases which have not been reviewed by staff, and in the future, unless they are reviewed by staff, they shouldn't move forward with them. Carrie Ballinger, RTM Consultants, asked for verification of the numbers, and identified three of them as hers and stated they were timely filed. Commissioner Von Deylen stated they didn't care who's variances they are, the Commission doesn't have adequate support from the State for computer programs and staff to do their jobs. Ms. Ballinger claimed it wasn't fair to their clients. Commissioner Von Deylen and Chairman Hawkins agreed it wasn't fair to their clients, and it wasn't fair to the Commission that they had a "piece of crap" software system that nobody will support. Chairman Hawkins noted the program was down for almost an entire month and he had been asking for years to have the current code added to the list on the system, so it's not fair to anybody. Maybe, he noted, if somebody could get a message through to somebody in Homeland Security that this Commission is sick and fed up with this, we'll get something done. So tell your clients to contact the Governor's office. I just don't know what else to do. Ms. Ballinger asked that hers be heard, promising she could give them full details about the variances. Commissioner Von Deylen stated he understood, but there is a statute in the State of Indiana that requires the State to provide adequate staff to do our business, and they are not doing that for us right now. It's nothing personal to you or to your clients. Ms. Ballinger then accused Commissioner Von Deylen of using her clients as an example to voice their frustrations. He stated he understood that, and that it didn't matter who they are. In the future it might be his clients, his businesses that have to deal with this, but unfortunately as long as we've got this problem we don't feel like we can move forward. We have nothing he explained. Ed Rensink, RTM Consultants, asked if the Commission knew what they had to go through to even get variances filed. Chairman Hawkins said they understood. Commissioner Von Deylen explained they had no support as a Commission to be able to continue moving forward. We have to be able to get that support from the State. Mr. Rensink said he understood, but using his clients as leverage for that. He asked if he wanted their clients to write letters to the Governor. Commissioner Von Deylen answered that he thought it would be appropriate for all of our clients to write letters to the Governor. This, he noted, was getting really frustrating. Mr. Rensink responded that it wasn't against staff – Denise got this patched back together as quickly as she could – but if this was timely filed it doesn't seem right that we would have it tabled because of the failure of the State's electronic system. Chairman Hawkins called for a legal opinion from Jim Schmidt, asking if a variance was timely filed, and because of a melt-down in the system and lack of support to the Commission as required by statute, we have a group of variances which do not have a staff report. Mr. Schmidt asked if he meant they had been filed before the deadline in the rules, and was told the 21 day deadline. Mr. Schmidt then read aloud the

part of the rule dealing with staff report which read they “may be reviewed”, offered that it was within the Commission’s discretion as whether or not to proceed since there was nothing that requires a staff report. Chairman Hawkins then asked Mr. Rensink what, if he wrote a letter to the Governor, they let him go ahead, to which Mr. Rensink happily agreed. Mr. Von Deylen stated he did not see this getting any better. Chairman Hawkins asked if anyone had seconded Commissioner Von Deylen’s motion to table, and when told no, declared the motion died from lack of a second.

17-07-57(a)(b)(c)(d)(e)(f)(g) Cityside North Building, Bloomington

Carrie Ballinger, RTM Consultants, spoke as proponent. Also present was Ed Rensink, RTM Consultants. Variances (c), (e), (f) and (g) had been eligible for the block vote. Commissioner Furnish moved to approve the variances eligible for the block vote, with the second by Commissioner Scheurich. It was voted upon and carried. Commissioners Brown and Von Deylen abstained. An existing bank building is being converted to apartments with a third floor addition. Variance (a) was a request to allow the existing stairway to remain in compliance with their code of record despite construction of a stairway extension to the third floor. The first floor will be protected with an NFPA 13 system, and floors two and three with an NFPA 13R. Following discussion, Commissioner Furnish moved to approve, with the second by Commissioner Hite. It was voted upon and carried. Commissioners Brown and Von Deylen abstained. Variance (b) was to allow the existing enclosed exit stairway to discharge through a non-rated vestibule. The stairway is separated by 1-hour construction, with non-rated openings from other areas on the first floor into the vestibule protected by close spaced sprinklers. Following discussion, Commissioner Mitchell moved to approve, with the second by Commissioner Furnish. It was voted upon and carried. Commissioners Brown and Von Deylen abstained. Variance (d) was to allow the building to exceed allowable height of 2 stories for Type VB construction. Commissioner Von Deylen noted this was an extremely complicated, hybridized building, and it would have been extremely beneficial to have had staff to review it before Commission was to make decisions on them in what he considers an informed and knowledgeable fashion. Mr. Rensink noted there should be a rated assembly between the first and second floor, but with the floor occupied by the bank, it would be difficult to provide. The proponent offered to sprinkle small closets and apply design criteria in lieu of the reductions permitted in NFPA 13R. Commissioner Mitchell moved to approve with those two conditions. Commissioner Hite made the second. It was voted upon and carried. Commissioners Brown and Von Deylen abstained.

17-07-59(a)(b) Momentum Church, Crown Point

Carrie Ballinger, RTM Consultants, spoke as proponent. An existing office building with basement is being converted to use as a church. The request in variance (a) is to allow the corridor to not be 1-hour rated, with doors which do not comply with Section 716. The building will be evaluated using Chapter 34 and is classified as Type IIIB construction. Closers will be added to all corridor doors, with smoke detectors, fire alarm systems with emergency voice/alarm communication systems and emergency lighting and exit signs provided throughout the building. Travel distance is approximately 130 feet from the basement level. Commissioner Mitchell moved to approve with the use of fire-treated wood and warming kitchen only, with the second by Commissioner Scheurich. It was voted upon and carried. Commissioners Brown and Von Deylen abstained. Variance (b) was to omit the fire command center. The proponent stated the building was small, and would gain little from it. A control panel used by the voice alarm system was offered instead. Commissioner Mitchell moved to approve, with the second by Commissioner Scheurich. It was voted upon and carried. Commissioners Brown and Von Deylen abstained.

17-07-60 Madison Village Apartments Remodel, Indianapolis

Tim Callas, J&T Consulting, spoke as proponent. The variance had been called out by Commissioner Brown for discussion. The request had been to be allowed to use a 13D system in the building with 1-hour separations between units. Commissioner Brown requested that an annual inspection, per NFPA 25 procedures, be done on the system by a third party inspector. Commissioner Mitchell made the second. It was voted upon and carried.

17-07-61(a)(b) Bliss Barn at Kelsay Farms, Fairmount

Carrie Ballinger, RTM Consultants, spoke as proponent. The 2-story existing barn is being converted from an agricultural building to a Class 1 structure with an A-2 occupancy. The building is classified as Type VB construction. Variance (a) is to allow the use of Chapter 34 to convert the barn to a Class 1 structure. Commissioner Von Deylen noted there were no restrooms, and assembly occupancy on the second floor with two open stairways as the only egress from the space. The total calculated occupant load on the first floor was 283, and the second floor was 181 persons. With seating diagrams provided, the anticipated occupancy was 265. Commissioner Von Deylen again made a plea for staffing so that, for example, pictures not taken by the applicant would be provided to the Commission of the actual barn in question. After looking at the pictures and noting several issues with open treads, open risers, obstructions in the open stairways from the second floor, Commissioner Von Deylen moved to deny (a). Commissioner Brown made the second. It was voted upon and did not pass with a count of 4 to 5. Following a lengthy discussion of things which could be added to bring it closer to code compliance, Commissioner Mitchell moved to table to allow corrected drawings to be provided with the second by Commissioner Richard. It was voted upon and carried. The request in variance (b) is to allow portable restroom trailers to be used until the permanent facilities are added inside the barn within 2 years. Drinking water will also be provided to guests. Chairman Hawkins suggested this be tabled as well until the first variance was ready to be heard again. Commissioner Richard moved to table, with the second by Commissioner Scheurich. It was voted upon and carried.

17-07-62 Jamison Place Condominiums, Lawrenceburg

Douglas Pessler, Mirage Homes LLC, appeared as proponent. The 12 building development will have 2 to 4 single story condos with walkout basements, with each unit separated by a 2-hour fire barrier. The request was to omit the sprinkler systems since the units are separated by the 2-hour fire barriers. Commissioner Brown asked if they had looked into the cost savings of using an NFPA 13D with a 1-hour separation. Commissioner Von Deylen moved to table, with the second by Commissioner Richard. It was voted upon and carried.

17-07-63(a)(b)(c)(d)(e) Country Heritage Winery, Laotto

No proponent was present for questions. Commissioner Von Deylen moved to table, with the second by Commissioner Scheurich. It was voted upon and carried.

17-07- 64 Mass Ave. Family Dentistry, Indianapolis (17787)

Carrie Ballinger, RTM Consultants, spoke as proponent. A dental office has a mezzanine used as a break room for the employees. Drew Breeze, City of Indianapolis, had cited it under 1103.1 because it is the only break room in the building and is not accessible. The proponent believed it met exception 1104 in the

Elevator Code, but the City does not agree due to the language in the amendment for healthcare providers. The proponent then quoted the ADA, saying the language is comparable to the exemption in the Elevator Code, noting the ADA does define what a professional healthcare provider is. Chairman Hawkins described the situation as, again, the difference between Title 1 and Title 3 issues. Ms. Ballinger challenged the validity of the citation due to the language in the exception and the section cited by the City. The inspector addressed the Commission, explaining why he thought the mezzanine was not in compliance. Following a lengthy discussion of code interpretation by proponent and inspector, Commissioner Scheurich moved to deny. Motion died from lack of second. Commissioner Von Deylen then moved to approve with the condition that the variance does not provide exception from Title I ADA requirements. Commissioner Mitchell made the second. It was voted upon and carried. Commissioner Brown abstained. The proponent requested the appeal which had been filed be withdrawn. Chairman Hawkins said it needed to go on to the administrative law judge and the request be handled there.

7. Discussion of Proposed Revision to IRC Review Committee Guidelines

Commissioner Furnish, Chairman of the IRC Review Committee, addressed the Commission. He presented the guidelines with proposed changes. The request was to allow the group designator to appoint an alternate to serve in the place of a member who is absent due to an emergency. This was brought about by a member who had been absent, but had not been able to give a two-day notice as called for in the guidelines. This change does not apply to a member who resigns or is replaced. They are still required to submit the two-day notice. Commissioner Von Deylen moved to approve, with the second by Commissioner Scheurich. It was voted upon and carried. Commissioner Richard asked if the Commission was going to be expected to hear each change they wanted to make, and was told the guidelines were made too detailed. Chairman Hawkins said he hoped there would not be frequent requests.

8. Discussion and Possible commission Action

Mass Ave. Family Dentistry
Order – City of Indianapolis

Commissioner Mitchell moved to grant, with the second by Commissioner Scheurich. It was voted upon and carried.

9. Discussion and Commission Action

Hendricks Power Cooperative
Cause No. DHS-1703-FPBSC-001
Amended Non-Final Order of Dismissal

Cummins Child Development Center
Cause No. DHS-1711-FPBSC-006
Non-Final Order of Dismissal

Riley Children's Health Sports Legends
Cause No. DHS-1712-FPBSC-007
Non-Final Order of Dismissal

Delaware Christian Academy
Cause No. DHS-1526-FPBSC-020
Non-Final Order of Dismissal

Commissioner Furnish moved to grant, with the second by Commissioner Von Deylen. It was voted upon and carried.

McClure Oil Corporation
Cause No. DHS-1708-FPBSC-004
Non-Final Order of Dismissal

An error concerning the variance number for McClure Oil Corporation during the June 6, 2017, Commission meeting, resulted in the Non-Final Order of Dismissal being submitted in error. Commissioner Von Deylen moved to remand to the administrative law judge, with the second by Commissioner Hite. It was voted upon and carried.

10. Comments

Chairman Hawkins, due to two deviations from the established pattern, presented the dates of the upcoming Commission meetings. They are Tuesday August 1, Thursday September 7, Tuesday October 3, Wednesday November 8, and Tuesday December 5. The meeting room remains Conference Center Room B for all. He then asked Justin Guedel if anything had been heard concerning the waiver for the Energy Code. He said it should be "good to go". No decision has been made on the start date for the Local Plan Review program as the Governor's office is still reviewing. A discussion of the roof drains code proposal is to be held at next month's meeting. He had not heard of any appointments being made for the Commission, so he asked the members to please be at the August hearing unless you hear otherwise.

11. Adjournment

Chairman Hawkins adjourned the meeting at 3:33p.m.

APPROVED _____
Robin Nicoson, Chairman